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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,682	04/12/2002	Toshiya Hamada	275750US6PCT	2453

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

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Office Action Summary	Application No. 10/018,682	Applicant(s) HAMADA ET AL.	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/2001, 05/16/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicants' amendment filed on 02/21/2007 has been considered. The Examiner would like to give some remarks as described below.

95 First, Examiner would like to clarify that the rejections of, for example, original independent claim 1 under 35 U.S.C. ¹⁰² ~~101~~ as anticipated by Kikuchi et al. and of original dependent claim 2 under 35 U.S.C. 103(a) as unpatentable over Kikuchi et al. and Haneda as described in the First Office Action were correctly established.

Regarding to original independent claim 1, Kikuchi et al. disclose thumbnail data that could be characterized both as (1) "representing of said moving data"; and (2) "extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user." These characteristics are supported by both the paragraphs originally cited and further in column 58, line 29 – column 59, line 55 and illustrated in Fig. 71.

Regarding to original dependent claim 2, Haneda discloses "generating means generates thumbnail data as respective independent files" as originally cited in the Office Action and further in column 28, lines 14-19.

Having said that, Examiner agrees that the amended features have clarified the thumbnail data to be of two different types.

Henceforth, with respect to newly added limitations and claims, new ground(s) of rejection is applied in this Office Action as described in details below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (WO99/38167 – the English translation of which is US Patent 6,005,679 and used as reference hereinafter) and Itoh et al. (US PgPub 2001/0016108).

Regarding claim 1, Kikuchi et al. disclose a system for recording and playing back video data (Abstract), comprising: means for generating, from input moving picture data, a menu thumbnail picture representative of contents of said moving picture data, as first thumbnail data, ("thumbnail video encoder 58" in Fig. 40; column 35, lines 50-54; column 37, lines 43-46) and means for recording all thumbnail data, generated by said generating means as independent groups on a recording medium ("data processor 36", "disc drive 32" in Fig. 40; column 30, lines 37, lines 5-14; lines 36-40; column 40, lines 16-21; Fig. 36).

However, Kikuchi et al. do not disclose means for generating, from said moving picture data, a mark thumbnail picture of a picture extracted as a characteristic picture., or a thumbnail picture of a picture specified by a user, as a second thumbnail data.

Itoh et al. disclose means for generating, from said moving picture data, a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user ([0028], [0029], [0053], abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the generating means for generating mark thumbnail data as disclosed by Itoh et al. into the recording apparatus or system disclosed by Kikuchi et al. to enhance the user interface of the apparatus. The enhancement of the user interface is provided by two reasons: allowing users to bookmark the segments of interest so that they can easily come back and review at a later time, and providing very user-friendly bookmark mechanism so that viewers can tell which segments the bookmarks represent.

Regarding claim 3, Kikuchi et al. further disclose the generating means to generate all thumbnail data as respective data blocks and as one file (Fig. 36; column 30, lines 55-62; column 37, lines 38-42).

Regarding claim 4, Kikuchi et al. further disclose the generating means to generate management data supervising said thumbnail data with a number corresponding to the thumbnail data; thus in combination with Itoh et al., also to generate second management data supervising said second thumbnail data with a number corresponding to the second thumbnail data ("PGCN", "Time Code", and "Start Address" in Fig. 36; column 30, lines 8-14); and said recording means recording said first and second management data in said recording medium (Fig. 36; column 28, lines 7-27).

Regarding claim 5, Kikuchi et al. further disclose each management data include data specifying the format of the picture data of the thumbnail data being supervised ("Picture Size X, Y", which specifies the rectangular shape and dimension of the thumbnail shown in Fig. 36).

Regarding claim 6, Kikuchi et al. further disclose said recording means records picture data of said thumbnail picture contained in each management data in terms of a block of a preset size as a unit (in unit of 32 KB in column 28, lines 28-30; column 29, lines 39-67).

Regarding claim 7, Kikuchi et al. also disclose said recording means records the information representing the referencing destination of said first thumbnail data as a separate file on said recording medium (column 66, lines 43-52).

Regarding claim 8, Kikuchi et al. also disclose said recording means further records the information indicating the referencing destination of said thumbnail picture contained in each thumbnail data (column 66, lines 43-52).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 12, Kikuchi et al. disclose a reproducing apparatus, comprising: first readout means for reading out management data supervising picture data of a menu thumbnail picture representative of the contents of said picture data in case playback of said picture data is commanded ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 57-59); second readout means for reading out said picture data based on said management data read out by said readout means ("MPU

30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 60-65); third readout means for reading out picture data of another thumbnail data, and management data supervising said picture data ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 57-59, 60-65); and fourth readout means for reading out said picture data based on said management data read out from said third readout means ("MPU 30", "data processor 36", and "disc drive 32" in Fig. 41; column 39, lines 60-65).

However, Kikuchi et al. do not disclose means a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user, as a second thumbnail data.

Itoh et al. disclose a mark thumbnail picture of a picture extracted as a characteristic picture, or a thumbnail picture of a picture specified by a user ([0028], [0029], [0053], abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the generating means for generating mark thumbnail data as disclosed by Itoh et al. into the recording apparatus or system disclosed by Kikuchi et al. to enhance the user interface of the apparatus. The enhancement of the user interface is provided by two reasons: allowing users to bookmark the segments of interest so that they can easily come back and review at a later time, and providing very user-friendly bookmark mechanism so that viewers can tell which segments the bookmarks represent.

Claim 13 is rejected for the same reason as discussed in claim 12 above.

Claim 14 is rejected for the same reason as discussed in claim 12 above.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (WO99/38167 – the English translation of which is US Patent 6,005,679 and used as reference hereinafter) and Itoh et al. (US PgPub 2001/0016108) as applied to claims 1, 3-10, and 12-14 as discussed above, and further in view of Haneda (US Patent 6,005,679).

Regarding claim 2, see the teachings of Kikuchi et al. and Itoh et al. as discussed in claim 1 above. However, the proposed combination of Kikuchi et al. and Itoh et al. does not teach the generating means to generate said first and second thumbnail data as respective independent files.

Haneda does teach a system for arranging image data in a file by using a filing system having an image signal input to receive an image signal representative of a frame of image, and a unit for dividing the image into blocks of data (see Abstract), and a storage unit to store the data as an independent file (column 11, lines 14-16; column 18, lines 54-61).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the image filing system taught by Haneda into the recording apparatus taught by Kikuchi et al. and Itoh et al. because Haneda's image filing system has an advantage of allowing retrieval of recorded image at high speed (column 2, line 66- column 3, line-2).

Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (WO99/38167 – the English translation of which is US Patent 6,005,679 and used as reference hereinafter) and Itoh et al. (US PgPub

2001/0016108) as applied to claims 1, 3-10, and 12-14 as discussed above, and further in view of Srinivasan et al. (US Patent 6,357,042).

Regarding claim 17, see the teachings of Kikuchi et al. and Itoh et al. as discussed in claim 1 above. In addition, Kikuchi et al. also disclose said menu thumbnail picture is representative of contents of a playlist in the moving picture data (column 2, lines 23-41). However, the proposed combination of Kikuchi et al. and Itoh et al. does not disclose said mark thumbnail picture is used in a submenu for representing details of the playlist.

Srinivasan et al. disclose mark thumbnail picture is used in a submenu for representing details of contents (Fig. 14; Fig. 15; column 23, lines 37-43; column 25, line 29 – column 26, line 2).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the use of mark thumbnail picture in a submenu for representing details of contents as disclosed by Srinivasan et al. into playlist and the apparatus disclosed by Kikuchi et al. and Itoh et al. to enhance the user interface of the apparatus.

Claim 18 is rejected for the same reason as discussed in claim 17 above.

Claim 19 is rejected for the same reason as discussed in claim 17 above.

Claim 20 is rejected for the same reason as discussed in claim 17 above.

Claim 21 is rejected for the same reason as discussed in claim 17 above.

Claim 22 is rejected for the same reason as discussed in claim 17 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

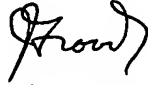
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
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Art Unit 262-2621